

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of NICOLE CECELIA BENNETT  
and LEAH NOEL BENNETT, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
July 20, 2006

Petitioner-Appellee,

v

HOLLY CECELIA BENNETT,

Respondent-Appellant.

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No. 267745  
Oakland Circuit Court  
Family Division  
LC No. 04-690507-NA

Before: Neff, P.J., and Bandstra and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the two minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err by finding at least one statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions of adjudication were respondent's drug use, neglect of her children, and failure to comply with a treatment plan that was provided before these proceedings. Respondent's admission that she continued to use drugs until shortly before her incarceration in May 2005, and her failure to provide drug screens or to complete substance abuse treatment as required by her parent agency agreement, clearly demonstrate that her substance abuse problem was not rectified. The trial court did not clearly err by finding that there was no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the ages of the children. Even at the best interests hearing, respondent continued to refuse responsibility for her actions.

At the time of the termination order, respondent was incarcerated with a release date eight months in the future. The prospects for respondent successfully addressing her substance abuse problem appeared uncertain at best in light of her failure to address that issue during the pendency of this case. Under these circumstances, the trial court did not clearly err by finding

that there was no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the ages of the children. MCL 712A.19b(3)(c)(i).

The same evidence that indicates that the conditions of adjudication continued to exist and were unlikely to be rectified within a reasonable time equally demonstrates that there is no reasonable likelihood that respondent will be in a position to provide proper care and custody for the children within a reasonable time considering their ages, MCL 712A.19b(3)(g), and that there is a reasonable likelihood that the children would be harmed if returned to the care of respondent. MCL 712A.19b(3)(j). Respondent's failure to comply with her parent agency agreement supplies further evidence of her inability to provide proper care and custody for the children. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003).

Because respondent will not be able to offer stability for the children within a foreseeable and reasonable time, the trial court did not clearly err by finding that termination of respondent's parental rights was not clearly contrary to the best interests of the children. MCL 712A.19b(5).

Affirmed.

/s/ Janet T. Neff  
/s/ Richard A. Bandstra  
/s/ Brian K. Zahra